

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

LONITA GROSE-DOWDY and
JEFFERSON GROSE, III, Co-Administrator)
ESTATE OF LUCILLE GROSE,)
DECEASED,)

Plaintiff,)

v.)

STATE FARM MUTUAL AUTOMOBILE)
INSURANCE CO.,)

Defendant.)

No. 16-cv-2590-SHL-cgc

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is Magistrate Judge Charmiane G. Claxton's Report and Recommendation (the "Report") (ECF No. 20), filed January 6, 2017, recommending that the Court grant Defendant's Motion to Dismiss (ECF No. 10) for lack of capacity to sue, deny Plaintiff's Motion to Amend (ECF No. 14) as futile, and deny Plaintiff's Motion for the Court to Intervene (ECF No. 16) as moot. For the following reasons, the Court **ADOPTS** the Report.

A magistrate judge may submit to a judge of the court proposed findings of fact and recommendations for dismissal of a complaint for lack of capacity to sue or for failure to state a claim. 28 U.S.C. § 636(b)(1)(B). "Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1). A district court reviews *de novo* only those proposed findings of fact or conclusions of law to which a party specifically objects. Id.; see also Fed. R. Civ. P. 72(b)(3).

The deadline to object to the Report has passed, and Plaintiff has not filed any objections. The Court has reviewed the Report for clear error and finds none. Therefore, the Court

ADOPTS the Magistrate Judge's Report and **GRANTS** Defendant's Motion to Dismiss,
DENIES Plaintiff's Motion to Amend, and **DENIES AS MOOT** Plaintiff's Motion for the
Court to Intervene.

IT IS SO ORDERED, this 27th day of March, 2017.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
UNITED STATES DISTRICT JUDGE